

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: Unknown
Filed: Herewith
Inventor(s):
Lee, Hee-Yong et al

Examiner: Unknown
Group/Art Unit: Unknown
Atty. Dkt. No: 5333-02600

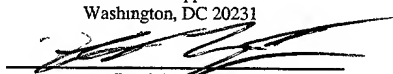
Title: INJECTABLE
SUSTAINED RELEASE
PHARMACEUTICAL
COMPOSITION AND
PROCESSES FOR
PREPARING THE SAME

CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EL726368335US
DATE OF DEPOSIT: December 18, 2001

I hereby certify that this paper or fee is being deposited with the
United States Postal Service "Express Mail Post Office to
Addressee" service under 37 C.F.R. §1.10 on the date indicated
above and is addressed to:

Commissioner for Patents
Box Patent Application
Washington, DC 20231


Derrick Brown

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Please amend the above-captioned application as follows:

In the Claims:

Please amend the claims as follows. Applicant has also submitted herewith a
strikethrough version of the claims indicating the amendments.

1. (Amended) A process to prepare an injectable sustained release pharmaceutical composition
comprising preparing biodegradable porous microspheres having accessible ionic functional

groups, incorporating a biopharmaceutical into the microspheres through ionic interaction by suspending or equilibrating the microspheres in a solution comprising the biopharmaceutical and recovering and freeze-drying the biopharmaceutical-incorporated microspheres.

2. (Amended) The process of claim 1, wherein the injectable sustained release pharmaceutical composition is prepared by incorporation of a cationic biopharmaceutical into biodegradable porous microspheres having anionic functional groups and wherein the pH of incorporation solution is lower than the pI of the biopharmaceutical.

3. (Amended) The process of claim 1, wherein the injectable sustained release pharmaceutical composition is prepared by incorporation of an anionic biopharmaceutical into biodegradable porous microspheres having cationic functional groups and wherein the pH of incorporation solution is higher than the pI of the biopharmaceutical.

4. (Amended) The process of claim 1, wherein the biopharmaceutical is present in an amount from 0.1 % to 90 % weight.

5. (Amended) The process of claim 1, wherein the biodegradable porous microspheres comprises polylactides, polyglycolides, poly(lactide-co-glycolide)s, polycaprolactone, polycarbonates, polyesteramides, polyanhydrides, poly(amino acids), polyorthoesters, polyacetyls, polycyanoacrylates, polyetheresters, poly(dioxanone)s, poly(alkylene alkylate)s, copolymers of polyethylene glycol and polyorthoester, biodegradable polyurethanes or a mixture thereof.

6. (Amended) The process of claim 2, wherein the anionic functional groups comprise carboxyl, sulfonyl or phosphoryl groups.

7. (Amended) The process of claim 2, wherein the biodegradable porous microspheres are prepared from the blends of anionic surfactant and/or biocompatible materials having anionic functional group with biodegradable polymer.
8. (Amended) The process of claim 7, wherein the anionic surfactant comprises docusate sodium or sodium lauryl sulfate.
9. (Amended) The process of claim 3, wherein the cationic functional groups comprise primary, secondary, tertiary, or quaternary amine groups.
10. (Amended) The process of claim 3, wherein the biodegradable porous microspheres are prepared from the blends of cationic surfactant or biocompatible materials having cationic functional group with biodegradable polymer.
11. (Amended) The process of claim **Error! Reference source not found.**, wherein the cationic surfactant comprises benzalkonium chloride, benzethonium chloride, or cetrimide.
12. (Amended) The process of claim 1, wherein the biopharmaceutical comprises growth hormones, interferons, colony stimulating factors, interleukins, macrophage activating factors, macrophage peptides, B cell factors, T cell factors, protein A, suppressive factor of allergy, suppressor factors, cytotoxic glycoprotein, immunocytotoxic agents, immunotoxins, immunotherapeutic polypeptides, lymphotoxins, tumor necrosis factors, cachectin, oncostatins, tumor inhibitory factors, transforming growth factors, albumin and its fragments, alpha-1 antitrypsin, apolipoprotein-E, erythroid potentiating factors, erythropoietin, factor VII, factor VIII, factor IX, fibrinolytic agent, hemopoietin-1, kidney plasminogen activator, tissue plasminogen activator, urokinase, prourokinase, streptokinase, lipocortin, lipomodulin, macrocortin, lung surfactant protein, protein C, protein 5, C-reactive protein, renin inhibitors, collagenase inhibitors, superoxide dismutase, epidermal growth factor, platelet derived growth

factor, osteogenic growth factors, atrial natriuretic factor, auriculin, atriopeptin, bone morphogenetic protein, calcitonin, calcitonin precursor, calcitonin gene-related peptide, cartilage inducing factor, connective tissue activator protein, fertility hormones (follicle stimulating hormone, leutinizing hormone, human chorionic gonadotropin), growth hormone releasing factor, osteogenic protein, insulin, proinsulin, nerve growth factor, parathyroid hormone, parathyroid hormone inhibitors, relaxin, secretin, somatomedin C, insulin-like growth factors, inhibin, adrenocorticotrophic hormone, glucagons, vasoactive intestinal polypeptide, gastric inhibitory peptide, motilin, cholecystokinin, pancreatic polypeptide, gastrin releasing peptide, corticotropin releasing factor, thyroid stimulating hormone, or vaccine antigens of, and anti-infective antibodies to, bacterial or viral or other infectious organisms and mutants or analogs thereof.

13. (Amended) The process of claim 1, further comprising preparing the biodegradable porous microspheres by solvent extraction or evaporation in aqueous or organic phase, phase separation, spray drying, low temperature casting or a supercritical gas fluid method.

14. (Amended) The process of claim 1, wherein porosity of the biodegradable porous microspheres is increased by addition of gas forming agents or salts during the microsphere preparation process.

15. (Amended) The process of claim 1, further comprising using an excipient during the preparation of the biodegradable porous microspheres, wherein the excipient comprises an acidifying agent.

16. (Amended) The process of claim 1, wherein incorporating the biopharmaceutical into the biodegradable porous microspheres is performed in an aqueous buffer solution, where the pH of the buffer is from 3.0 to 9.0, a salt concentration of the buffer is from 1 to 500 mM, an

incorporation temperature is from 5 to 50°C and an incorporation time is from 1 minute to 20 days.

17. (Amended) The process of claim 16, wherein the salt concentration of the buffer is from 5 to 200 mM, the incorporation temperature is from 30 to 42°C and the incorporation time is from 10 to 48 hours.

18 (Amended) The process of claim 16, wherein the aqueous buffer solution further comprises a release rate modifying additive or excipient or a cryoprotectant.

19. (Amended) The process of claim 1, further comprising coating the composition with one or more of gelatin, fibrin, or albumin.

20. (Amended) The process of claim 1, wherein the size of the microspheres is within the range from 0.01 to 500 μm .

21. (Amended) An injectable sustained release pharmaceutical composition prepared by the process comprising:

preparing biodegradable porous microspheres having accessible ionic functional groups;

incorporating a biopharmaceutical into the microspheres through ionic interaction by suspending or equilibrating the microspheres in a solution comprising the biopharmaceutical; and

recovering and freeze-drying the biopharmaceutical-incorporated microspheres.

Please add the following claims:

22. (New) The process of claim 1, wherein the biodegradable porous microspheres comprise a protein.

23. (New) The process of claim 1, wherein the biodegradable porous microspheres comprise albumin, casein, collagen, fibrin, fibrinogen, gelatin, hemoglobin, transferrin, or zein.

24. (New) The process of claim 1, wherein the biodegradable porous microspheres comprise a polysaccharide.

25. (New) The process of claim 1, wherein the biodegradable porous microspheres comprise alginic acid, chitin, chitosan, chondroitin, dextrin, dextran, hyaluronic acid, heparin, keratan sulfate, starch and derivatives or blends thereof.

26. (New) The process of claim 14, wherein the salts comprise sodium chloride, calcium chloride or ammonium bicarbonate.

27. (New) The process of claim 1, further comprising using an excipient during the preparation of the biodegradable porous microspheres, wherein the excipient comprises lactic acid, glycolic acid, tartaric acid, citric acid, fumaric acid, or malic acid.

28. (New) The process of claim 1, further comprising using an excipient during the preparation of the biodegradable porous microspheres, wherein the excipient comprises an alkalizing agent.

29. (New) The process of claim 1, further comprising using an excipient during the preparation of the biodegradable porous microspheres, wherein the excipient comprises diethanolamine, mono ethanolamine, potassium citrate, sodium bicarbonate, calcium carbonate, magnesium

carbonate, magnesium oxide, magnesium trisilicate, sodium citrate, meglumine, or triethanolamine.

29. (New) The process of claim 1, further comprising using an excipient during the preparation of the biodegradable porous microspheres, wherein the excipient comprises a salt.

30. (New) The process of claim 1, further comprising using an excipient during the preparation of the biodegradable porous microspheres, wherein the excipient comprises sodium chloride or calcium chloride.

It is believed that no fees are due in connection with the filing of this Preliminary Amendment. However, if any fees are due, the Assistant Commissioner is hereby authorized to deduct said fees from Conley, Rose & Tayon Deposit Account No. 50-1505/5333-02600/EBM.

Respectfully submitted,



Mark R. DeLuca
Reg. No. 44,649

Patent Agent

CONLEY, ROSE & TAYON, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398
(512) 703-1423 (voice)
(512) 703-1250 (facsimile)

Date: 12/18/01

Strikethrough Version of Amended Claims

1. (Amended) A process to prepare an injectable sustained release pharmaceutical composition comprising ~~a step to prepare~~ preparing biodegradable porous microspheres having accessible ionic functional groups, ~~a step to incorporate~~ incorporating a biopharmaceutical into the microspheres through ionic interaction by suspending or equilibrating the microspheres in a solution ~~containing~~ comprising the biopharmaceutical and ~~a step to recover and freeze-dry~~ recovering and freeze-drying the biopharmaceutical-incorporated microspheres.

2. (Amended) The process of claim 1, wherein the injectable sustained release pharmaceutical composition is prepared by incorporation of a cationic biopharmaceutical into biodegradable porous microspheres having anionic functional groups and wherein the pH of incorporation solution is lower than the pI of the biopharmaceutical.

3. (Amended) The process of claim 1, wherein the injectable sustained release pharmaceutical composition is prepared by incorporation of an anionic biopharmaceutical into biodegradable porous microspheres having cationic functional groups and wherein the pH of incorporation solution is higher than the pI of the biopharmaceutical.

4. (Amended) The process of claim ~~1-3~~ 1, wherein ~~said~~ the biopharmaceutical is present in an amount from 0.1 % to 90 % weight.

5. (Amended) The process of claim ~~1-3~~ 1, wherein ~~said~~ the biodegradable ~~polymer is porous microspheres comprises one or more of~~ polylactides, polyglycolides, poly(lactide-co-glycolide)s, polycaprolactone, polycarbonates, polyesteramides, polyanhydrides, poly(amino acids), polyorthoesters, polyacetyls, polycyanoacrylates, polyetheresters, poly(dioxanone)s, poly(alkylene alkylate)s, copolymers of polyethylene glycol and polyorthoester, biodegradable polyurethanes or a mixture thereof, ~~proteins such as albumin, casein, collagen, fibrin,~~

~~fibrinogen, gelatin, hemoglobin, transferrin, and zein, polysaccharides such as alginic acid, chitin, chitosan, chondroitin, dextrin, dextran, hyaluronic acid, heparin, keratan sulfate, starch and derivatives or blends thereof.~~

6. (Amended) The process ~~according to any of the claims 2, 4, 5 of claim 2,~~ wherein said the anionic functional groups ~~are selected from~~ comprise carboxyl, sulfonyl and or phosphoryl groups.

7. (Amended) The process ~~according to any of the claims 2, 4, 5 of claim 2,~~ wherein said the biodegradable porous microspheres ~~having anionic functional groups~~ are prepared from the blends of anionic surfactant and/or biocompatible materials having anionic functional group with biodegradable polymer.

8. (Amended) The process of claim 7, wherein said the anionic surfactant ~~is selected from~~ comprises docusate sodium and or sodium lauryl sulfate.

9. (Amended) The process ~~according to any of the claims 3, 4, 5 of claim 3,~~ wherein said the cationic functional groups ~~are selected from~~ comprise primary ~~to~~ , secondary, tertiary, or quaternary amine groups.

10. (Amended) The process ~~according to any of the claims 3, 4, 5 of claim 3,~~ wherein said the biodegradable porous microspheres ~~having cationic functional groups~~ are prepared from the blends of cationic surfactant or biocompatible materials having cationic functional group with biodegradable polymer.

11. (Amended) The process of claim **Error! Reference source not found.**, wherein said the cationic surfactant ~~is selected from~~ comprises benzalkonium chloride, benzethonium chloride, and or cetrimide.

12. (Amended) The process according to any of the claims 1-3 of claim 1, wherein said the biopharmaceutical is ~~selected from the group consisting of~~ comprises growth hormones, interferons, colony stimulating factors, interleukins, macrophage activating factors, macrophage peptides, B cell factors, T cell factors, protein A, suppressive factor of allergy, suppressor factors, cytotoxic glycoprotein, immunocytotoxic agents, immunotoxins, immunotherapeutic polypeptides, lymphotoxins, tumor necrosis factors, cachectin, oncostatins, tumor inhibitory factors, transforming growth factors, albumin and its fragments, alpha-1 antitrypsin, apolipoprotein-E, erythroid potentiating factors, erythropoietin, factor VII, factor VIII, factor IX, fibrinolytic agent, hemopoietin-1, kidney plasminogen activator, tissue plasminogen activator, urokinase, prourokinase, streptokinase, lipocortin, lipomodulin, macrocortin, lung surfactant protein, protein C, protein 5, C-reactive protein, renin inhibitors, collagenase inhibitors, superoxide dismutase, epidermal growth factor, platelet derived growth factor, osteogenic growth factors, atrial naturetic factor, auriculin, atriopeptin, bone morphogenetic protein, calcitonin, calcitonin precursor, calcitonin gene-related peptide, cartilage inducing factor, connective tissue activator protein, fertility hormones (follicle stimulating hormone, leutinizing hormone, human chorionic gonadotropin), growth hormone releasing factor, osteogenic protein, insulin, proinsulin, nerve growth factor, parathyroid hormone, parathyroid hormone inhibitors, relaxin, secretin, somatomedin C, insulin-like growth factors, inhibin, adrenocorticotrophic hormone, glucagons, vasoactive intestinal polypeptide, gastric inhibitory peptide, motilin, cholecystokinin, pancreatic polypeptide, gastrin releasing peptide, corticotropin releasing factor, thyroid stimulating hormone, or vaccine antigens of, and anti-infective antibodies to, bacterial or viral or other infectious organisms and mutants or analogs thereof.

13. (Amended) The process according to any of the claims 1-3 of claim 1, wherein said further comprising preparing the biodegradable porous microspheres having ionic functional groups are prepared by a method selected from by solvent extraction or evaporation in aqueous or organic

phase, phase separation, spray drying, low temperature casting ~~and or~~ a supercritical gas fluid method.

14. (Amended) The process ~~according to any of the claims 1-3 of claim 1~~, wherein porosity of ~~said the~~ biodegradable porous microspheres ~~having ionic functional groups is intended to be~~ increased by addition of gas forming agents or salts ~~such as sodium chloride, calcium chloride and ammonium bicarbonate~~ during the microsphere preparation process.

15. (Amended) The process ~~according to any of the claims 1-3 wherein said of claim 1~~, further comprising using an excipient during the preparation of the biodegradable porous microspheres ~~having ionic functional groups are prepared by co-addition of wherein the excipient comprises an~~ acidifying agent ~~agents such as lactic acid, glycolic acid, tartaric acid, citric acid, fumaric acid, and malic acid, alkalizing agents such as diethanolamine, mono ethanolamine, potassium citrate, sodium bicarbonate, calcium carbonate, magnesium carbonate, magnesium oxide, magnesium trisilicate, sodium citrate, meglumine, and triethanolamine and salts.~~

16. (Amended) The process ~~according to any of the claims 1-3 of claim 1~~, wherein the ~~incorporation incorporating of a the~~ biopharmaceutical into ~~said the~~ biodegradable porous microspheres ~~having ionic functional groups are~~ is performed in an aqueous buffer solution, where the pH of the buffer is from 3.0 to 9.0, a salt concentration of the buffer is from 1 to 500 mM, an incorporation temperature is from 5 to 50°C and an incorporation time is from 1 minute to 20 days.

17. (Amended) The process of the claim 16, wherein the salt concentration of the buffer is from 5 to 200 mM, the incorporation temperature is from 30 to 42°C and the incorporation time is from 10 to 48 hours.

18 (Amended) The process of claim 16, wherein the ~~incorporation medium~~ aqueous buffer solution further comprises a release rate modifying additive or excipient or a cryoprotectant.

19. (Amended) The process ~~according to any of the claims 1-3 of claim 1, wherein the composition is further coated~~ further comprising coating the composition with one or more of gelatin, fibrin, or albumin.

20. (Amended) The process ~~according to any of the claims 1-3 of claim 1, wherein the size of the microspheres is within the range from 0.01 to 500 μ m.~~

21. (Amended) An injectable sustained release pharmaceutical composition ~~by preparing the process according to any of claims 1 to 20 prepared by the process comprising:~~

preparing biodegradable porous microspheres having accessible ionic functional groups;

incorporating a biopharmaceutical into the microspheres through ionic interaction by suspending or equilibrating the microspheres in a solution comprising the biopharmaceutical; and

recovering and freeze-drying the biopharmaceutical-incorporated microspheres.